

CHAPTER 36

WORKERS' COMPENSATION AND NONOCCUPATIONAL HEALTH COVERAGE

S.F. 296

AN ACT relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.38, subsection 2, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If an employer denies liability under this chapter, chapter 85A, or chapter 85B, for payment for any medical services received by an employee with a disability, and the employee is a beneficiary under either an individual or group plan for nonoccupational illness, injury, or disability, the nonoccupational plan shall not deny payment for the medical services received on the basis that the employer's liability for the medical services under this chapter, chapter 85A, or chapter 85B is unresolved.

Approved April 18, 1997

CHAPTER 37

SCHOOL-TO-WORK PROGRAMS — WORKERS' COMPENSATION

S.F. 361

AN ACT relating to the state workers' compensation coverage for students participating in school-to-work programs and providing for related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.20, Code 1997, is amended to read as follows:
85.20 RIGHTS OF EMPLOYEE EXCLUSIVE.

The rights and remedies provided in this chapter, chapter 85A or chapter 85B for an employee, or a student participating in a school-to-work program as provided in section 85.61, on account of injury, occupational disease or occupational hearing loss for which benefits under this chapter, chapter 85A or chapter 85B are recoverable, shall be the exclusive and only rights and remedies of ~~such~~ the employee or student, the employee's ~~or student's~~ personal or legal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury, occupational disease, or occupational hearing loss against any of the following:

1. Against the employee's employer; ~~or,~~
2. Against any other employee of such employer, provided that such injury, occupational disease, or occupational hearing loss arises out of and in the course of such employment and is not caused by the other employee's gross negligence amounting to such lack of care as to amount to wanton neglect for the safety of another.
3. For a student participating in a school-to-work program, against the student's school district of residence, receiving school district if the student is participating in open enrollment under section 282.18, accredited nonpublic school, community college, and directors, officers, authorities, and employees of the applicable school corporation.

Sec. 2. Section 85.60, Code 1997, is amended to read as follows:

85.60 INJURIES WHILE IN EMPLOYMENT TRAINING OR EVALUATION.

A person participating in a school-to-work program referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education, who sustains an injury arising out of and in the course of the school-to-work program participation, employment training, or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, such a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Sec. 3. Section 85.61, subsection 2, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Employer" also includes and applies to an eligible postsecondary institution as defined in section 261C.3, subsection 1, a school corporation, or an accredited nonpublic school if a student enrolled in the eligible postsecondary institution, school corporation, or accredited nonpublic school is providing unpaid services under a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f". However, if such a student is participating in open enrollment under section 282.18, "employer" means the receiving district. If a student participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f", is paid for services provided under the program, "employer" means any entity otherwise defined as an employer under this subsection which pays the student for providing services under the program.

Sec. 4. Section 85.61, subsection 11, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Worker" or "employee" includes a student enrolled in a public school corporation or accredited nonpublic school who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f".

Sec. 5. Section 87.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

A self-insurance association formed under this section and an association comprised of cities or counties, or both, or community colleges, as defined in section 260C.2, or school corporations, or both, which have entered into an agreement under chapter 28E for the purpose of establishing a self-insured program for the payment of workers' compensation benefits are exempt from taxation under section 432.1.

Sec. 6. Section 258.10, Code 1997, is amended to read as follows:

258.10 POWERS OF DISTRICT BOARDS.

1. The board of directors of ~~any~~ a school district ~~is authorized to~~ may carry on prevocational and vocational instruction in subjects relating to agriculture, commerce, industry, and home economics, and to pay the expense of such instruction in the same way as the expenses for other subjects in the public schools are ~~now~~ paid.

2. The board of directors of a school district may establish and maintain school-to-work programs including alternative learning opportunities through which students may obtain skills or training outside the classroom. School-to-work programs include, but are not limited to, the following:

a. Short-term job shadowing opportunities for students to explore career interests by observing work at a workplace or to include a series of visits to various workplaces and time spent with individual workers to observe specific jobs.

b. Structured work experiences integrating school and work-based experiences in an internship that may be an extension of a job shadowing experience.

c. Mentoring experiences providing students with a formal relationship with a worksite role model who shares career insights and teaches students specific work-related skills.

d. Career-oriented work experiences tied to school lessons through formal or informal training agreements, formal learning plans or mentoring, by workplace personnel who may be paid or unpaid, and which may earn students credit toward graduation.

e. Structured on-the-job training or apprenticeships for students who are enrolled in a technical or professional program that leads to a high school diploma, advanced certificate of mastery, or associate degree.

f. Work experiences available to students in school and community placements directly supervised by a school district or community college staff member.

3. The board may provide workers' compensation coverage by insuring, or self-insuring as provided in section 87.4, students participating in unpaid school-to-work programs. A school district's liability to students injured while participating in an unpaid school-to-work program is as provided in section 85.20.

Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Approved April 18, 1997

CHAPTER 38

DEPARTMENT OF WORKFORCE DEVELOPMENT — UNEMPLOYMENT COMPENSATION AND OTHER MATTERS

S.F. 395

AN ACT relating to the department of workforce development concerning the offsetting of unemployment compensation benefits, unemployment compensation for inmates, departmental liability for the release of unemployment compensation records, the voluntary shared work program, and workforce development services employees, and providing for an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.3, Code 1997, is amended by adding the following new subsection:
NEW SUBSECTION. 11. OVERISSUANCE OF FOOD STAMP BENEFITS. The department shall collect any overissuance of food stamp benefits by offsetting the amount of the overissuance from the benefits payable under this chapter to the individual. This subsection shall only apply if the department is reimbursed under an agreement with the department of human services for administrative costs incurred in recouping the overissuance. The provisions of section 96.15 do not apply to this subsection.

Sec. 2. Section 96.11, subsection 6, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. LIABILITY FOR RELEASE OF INFORMATION. The department